

**IN THE U.S. DISTRICT COURT OF THE VIRGIN ISLANDS
DISTRICT OF ST. CROIX**

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|------------------------------|---|-------------------------------|
| MARK A. BACON, |) | |
| |) | CIVIL NUMBER SX-10- cv -00071 |
| Plaintiff, |) | |
| |) | ACTION FOR DAMAGES |
| v. |) | JURY TRIAL DEMANDED |
| |) | |
| GRAPETREE SHORES, INC. d/b/a |) | |
| DIVI CARINA BAY HOTEL, |) | |
| |) | |
| Defendant. |) | |
| _____ |) | |

COMPLAINT

COMES NOW the Plaintiff, Mark A. Bacon, by and through his undersigned counsel, The Law Offices of K. A. Rames, P.C., and for his Complaint against the Defendant, Grapetree Shores, Inc. d/b/a Divi Carina Bay Hotel, states as follows:

1. This Court has jurisdiction of this matter pursuant to Title 28 U.S.C. § 1332(a)(1).
2. Plaintiff Mark A. Bacon is an adult resident of Indianapolis, Indiana.
3. Grapetree Shores, Inc. d/b/a Divi Carina Bay Hotel is a U.S. Virgin Islands Corporation in good standing, and is the owner and operator of the Divi Carina Bay Hotel, St. Croix, U.S. Virgin Islands.
4. During the six (6) week period commencing on January 10, 2010, Plaintiff was working in the U.S. Virgin Islands and was a resident at the Divi Carina Bay Hotel (the "Resort").
5. Shortly after arriving at the Resort, Plaintiff began noticing eruptions of welts and blisters on his arms and legs. These welts and blisters later spread to Plaintiff's abdomen, to his back, and to his face.

6. Plaintiff consulted a dermatologist, who referred Plaintiff to an allergist. After testing, Plaintiff tested positive for the molds *Fusarium*, *Alternaria*, *Pullularia* and *Helminthosporium*.

7. The guestrooms, and particularly the bathrooms in the guestrooms at the Resort have serious, substantial and continuing sanitary and maintenance problems, including the presence of mold which has not been remediated and which poses a threat to the health and welfare of its guests. As a result of the substantial and continuing negative health effects that Plaintiff was experiencing, Plaintiff moved out of the Resort on February 28, 2010.

8. The negligence of the Defendant includes but is not limited to the failure of proper maintenance of its guestrooms and its guest bathrooms, which exhibit serious, substantial and dangerous mold contamination that has resulted in personal injury to the Plaintiff.

9. The personal injury to the Plaintiff includes but is not limited to pain and suffering, disfigurement, mental anguish, loss of enjoyment of life, permanent disability, and medical expenses, all of which have occurred in the past and will continue to occur in the future.

WHEREFORE, Plaintiff seeks the following relief to be determined by the trier of fact:

- a. Compensatory damages,
- b. The attorney's fees and costs incurred attendant to the prosecution of this action,
- c. Such other and further relief as to this honorable Court shall appear to be just.

TRIAL BY JURY IS DEMANDED AS TO EACH OF THE ALLEGATIONS
HEREIN.

Respectfully Submitted,
K. A. RAMES, P.C.

Dated: August ___, 2010

A handwritten signature in black ink, appearing to read 'K. A. RAMES', is written over a horizontal line.

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